

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALAN THOMAS HAHN,)	Case No. 01-74656
)	03-73720
Plaintiff.)	04-73318
)	05-70151
v.)	
)	Arthur J. Tarnow
BILL MARTIN, et al.)	District Judge
)	
Defendants.)	

ORDER OF RECUSAL

Plaintiff filed a lawsuit in the United States District Court for the Western District of Michigan naming me as a defendant. *Hahn v. Tarnow, et al.*, Case No. 06-74 (W.D. Mich. 2006) (Quist, J.). Judge Quist issued an opinion dismissing Plaintiff's claims against me on the grounds that such claims were barred by absolute immunity. Also, Judge Quist held that

[t]o the extent Plaintiff purports to bring a claim for any other form of relief against Judge Tarnow, it will be dismissed as frivolous. Plaintiff's claim that Judge Tarnow is somehow liable for failing to grant Plaintiff the relief he seeks in previous or pending civil rights litigation lacks an arguable basis in law.

Opinion at 4 n. 3.

The question of whether or not I should recuse myself from Plaintiff's cases is governed by 28 U.S.C. § 455. The Sixth Circuit states the applicable test as follows:

Under 28 U.S.C. § 455(a), a federal judge is required to recuse himself "in any proceeding in which his impartiality might reasonably be questioned." The standard to be applied under § 455(a) is an objective one: whether the reasonable person, knowing all of the surrounding circumstances, would consider the judge to be impartial.

United States v. Norton, 700 F. 2d 1072, 1076 (citing *Roberts v. Bailar*, 625 F. 2d 125 (6th Cir. 1980).

Hahn v. Martin, et al.

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The Court finds that recusal is required under § 455(a) because Plaintiff's claims would lead a reasonable person to question the Court's impartiality. Therefore,

I hereby RECUSE myself from further proceedings involving Plaintiff Alan Thomas Hahn.

SO ORDERED.

s/Arthur J. Tarnow

Arthur J. Tarnow

United States District Judge

Dated: August 2, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 2, 2006, by electronic and/or ordinary mail.

s/Theresa E. Taylor

Case Manager